



Governor
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Committee on Behavior Analysts

MINUTES OF TELEPHONIC MEETING September 27, 2019 Scheduled at 9:30 a.m.

1740 W Adams Street
Conference Room C (1st Floor)
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners Committee on Behavior Analysts was called to order by Chairman Davidson at 9:30 a.m. No Executive Sessions were held.

2. ROLL CALL

Committee Members Participating by Telephone

Daniel Davidson, Ph.D., BCBA-D, Chair
Diana Davis-Wilson, DBH, BCBA, Acting Chair
Bryan Davey, Ph.D., BCBA-D

Committee Members Absent

Paige Raetz, Ph.D., BCBA-D
Donald Stenhoff, Ph.D., BCBA-D

Staff Present

Jennifer Michaelsen – Interim Executive Director
Kathy Fowkes – Licensing Specialist

3. CALL TO THE PUBLIC

There were no requests to address the Committee.

4. APPROVAL OF MINUTES

A. September 9, 2019, Regular Session

Dr. Davidson pointed out a typo regarding the acting chair in the draft minutes and requested staff correct this.

MOTION: Dr. Davey moved to approve the minutes as amended. Dr. Davis-Wilson seconded.

VOICE VOTE: The motion carried 3-0.

5. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR ANALYST APPLICANTS

A. Behavior Analyst Application for Licensure

1) Amanda Sagarian, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules, except that the supervisor answered Yes to the question, was the supervisor a relative or subordinate of the supervisee. It was the consensus of the Committee to have staff contact the supervisor and determine if this answer was intentional or a “typo”. If a typo, have the supervisor correct the form and re-submit, and to forward the application with corrected form to the Board for approval. If the yes answer was intentional, to make a formal request for additional information.

2) Junko (Robin) Johnson, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. However, the applicant wrote “graduate academic certificate” for her official graduate degree program title, but her official transcript listed “Applied Behavior Analysis”. It was the consensus of the Committee to forward the application to the Board for approval contingent on correction of the graduate degree program title on the application.

MOTION: Dr. Davis-Wilson moved to forward the applications of Amanda Sagarian, M.S. and Junko (Robin) Johnson, M.Ed. for approval of licensure contingent on corrections as noted above. Dr. Davey seconded.

VOICE VOTE: The motion carried 3-0.

B. Behavior Analyst Application for Licensure by Universal Recognition

1) Lani Giessinger, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules.

The Committee discussed aspects of the universal recognition statute as it relates to behavior analyst education and licensure and requested staff to place the universal recognition statute on a future agenda for further discussion.

MOTION: Dr. Davis-Wilson moved to forward the application of Lani Giessinger, M.A. for approval of licensure. Dr. Davey seconded.

VOICE VOTE: The motion carried 5-0.

6. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION PERTAINING TO DRAFT OF RULE CHANGES FOR BEHAVIOR ANALYSTS.

Ms. Michaelsen summarized the status of Rule changes the Committee requested. Rule writer, Ms. Hann, was present on the phone to answer any questions. The Committee discussed the changes and Ms. Hann answered the Committee’s questions.

MOTION: Dr. Davis-Wilson moved to forward the Rules package to the full board for approval. Dr. Davey seconded.

VOICE VOTE: The motion carried 3-0.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING UNLICENSED REMOTE SUPERVISION IN STATES THAT OFFER LICENSURE AND SUGGESTIONS FOR RELATED STATUTE CHANGES

Dr. Davis-Wilson summarized the issues regarding the confusion regarding remote supervision. The supervisor's location is not the location for supervision, it is where the client is being served. The Board has tasked the Committee for recommendations for statute changes that clarify this issue. When the supervisor is not licensed in the state where the behavior analytic services are being delivered, both the trainee and the supervisor are practicing in that state without a license. Dr. Davidson provided an example for clarification. If a supervisor is licensed in Michigan and is providing remote supervision to a supervisee providing behavior analytic services in Arizona, the supervisor's Michigan license is irrelevant. The supervisor must be licensed in Arizona.

Dr. Davidson suggested making a change to A.R.S. §32-2091.03. Dr. Davis-Wilson agreed, and made additional suggestions to remove "university practicum or intensive university practicum" since it will no longer be part of BACB's standards in 2022.

After discussion, it was the consensus of the Committee to recommend changing the Statute to read:

An applicant for licensure as a behavior analyst must meet standards adopted by the state board of psychologist examiners, including meeting graduate level education and supervised experience requirements and passing a national examination. The state board of psychologist examiners shall adopt standards consistent with the standards set by a nationally recognized behavior analyst certification board, except that:

- 1. The number of hours required for supervised experience must be at least one thousand five hundred hours of supervised work experience*
- 2. If the experience was obtained in a state that licensed behavior analysts at the time of the supervised work experience, the supervisor must be licensed in the state in which the behavior analysis trainee provision of services occurred.*
- 3. The standards adopted for supervised experience must also be consistent with the standards set by a nationally recognized behavior analyst certification board.*
- 4. If the state board of psychologist examiners does not agree with a standard set by a nationally recognized behavior analyst certification board, the state board may adopt an alternate standard.*

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING POTENTIAL STATUTE CHANGES INCLUDING BUT NOT LIMITED TO A.R.S. § 32-2091.08: EXEMPTIONS FROM LICENSURE – Dr. Davis-Wilson

Dr. Davis-Wilson stated that the exemption statute A.R.S. § 32-2091.08(A)(1) states:

- A. This article does not limit the activities, services and use of a title by the following:*
- 1. A behavior analyst who is employed in a common school, high school or charter school setting and who is certified to use that title by the department of education if the services or activities are a part of the duties of that person's common school, high school or charter school employment.*

Dr. Davis-Wilson pointed out to the Committee that the Arizona Department of Education does not have certification for behavior analysts, so this statute is not applicable to behavior analysts. Since there is no true exemption from licensure for behavior analysts working in the school setting, Dr. Davis-Wilson recommended removing this section from the statute. The Committee expressed concern that there are supervisees who spend a year doing their hours, which cannot be applied to licensure because the supervisor wasn't licensed as required under A.A.C. R4-26-404.2.

Dr. Davey and Dr. Davidson expressed concern that there would be significant problems with meeting the needs of those receiving special education services if the clause was removed. Dr. Davis-Wilson pointed out that the exemption statute already meets the needs of other specialists providing behavior analytic services in the school setting and quoted A.R.S. § 32-2091.08(B) which states: *B. This article does not prevent a member of other recognized professions who is licensed, certified or regulated under the laws of this state from rendering services within that person's scope of practice and code of ethics if that person does not claim to be a behavior analyst.* Dr. Davis-Wilson posited that removing (A)(1) does not change (B)'s coverage of other professions.

Dr. Davey and Dr. Davidson were concerned that a special educator may not fall under (B) and that those operating under the extension of a professional may not fall under (B). Dr. Davey and Dr. Davidson did not want to remove the exemption clause completely until there was an opportunity to ask the Assistant Attorney General, Ms. Galvin, for legal advice.

The Committee directed staff to reach out to the professional association to see if they have information pertaining to how many behavior analysts are here in the state that are not licensed because they are employed by the school, and why they have not obtained licensure.

Dr. Davis-Wilson was tasked with bringing the Committee's concerns to the Board, in that A.R.S. § 32-2091.08(A)(1) has some potential access to care concerns, and A.R.S. § 32-2091.08(B) needs to include language that addresses level of extension and consideration or federal mandates.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CE AUDIT UPDATE - Ms. Fowkes

Ms. Fowkes provided a summary of the status of the CE audit. Dr. Daniel Bullara has been notified that he has 90 days to provide the information the Committee requested. Additionally, another licensee, Mr. Robert Craighead, has not responded to attempts to communicate, including a letter sent by certified mail. His deadline to respond was 5 pm today (September 27th) before a complaint may be opened. The Committee recommended that staff attempt to reach out to Mr. Craighead via the BACB's online registry because BCBAs are usually good about keeping their contact information up to date with the BACB.

MOTION: Dr. Davey moved to open a complaint if the licensee does not respond by 5 pm today. Dr. Davis-Wilson seconded.

VOICE VOTE: The motion carried 3-0.

10. NEW AGENDA ITEMS FOR FUTURE MEETINGS

The Committee requested an agenda item to allow for a general discussion of the Universal Recognition application.

An agenda item to discuss providing updates to the Committee as a standing section of the agenda.

11. ADJOURNMENT

There being no further business to come before the Committee, Dr. Davis-Wilson made a motion, seconded by Dr. Davey, to adjourn the meeting. The motion carried 3-0. The meeting was adjourned at 11:43 a.m.